UNITED STATES PATENT AND TRADEMARK OFFICE

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10/749,897	12/31/2003	Arthur Zavalkovsky	50325-0825	8913

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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

EXAMINER
EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 May 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-31</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is amendment received on Feb. 4, 2008. Claims 1, 6, 8, 1, 14, 17, 20,

23, 26 and 29 were amended. Claims 1-31 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

2.   Claims 1-8, 11, 14-15, 17, 20, 23, 26 and 29 are rejected under 35 U.S.C. 102(b)

as being anticipated by Chu et al., U.S. Patent No. 6,016,508 (referred to hereafter as

Chu).

As to claims 1, 8, 14, 20, Chu teaches a method, media and apparatus for

dynamic timeout comprising machine-implemented steps of:

receiving a request from a requestor at a server or a process communicatively

coupled thereto (see col. 10 lines 1-16, client sends a refresh message to the server);

determining whether an interim message should be sent to the requester (see

col. 10 lines 39-67, the server determines whether a response should be sent to set the

CRP);

wherein the interim message contains information regarding what the server is

doing to process the client's request, during a time period in which it is not yet possible

for the server to provide a more substantive response (see col. 9 lines 39-67, the server sends the client a time interval "information" in which the server will be ready to service the refresh request again); and

if the interim message should be sent to the requestor, sending to the requestor the interim message referring to the request, wherein the interim message contains one or more response-related items (see col. 10 lines 39-67, server determines the CRP interval and incorporate the CRP in the response).

As to claim 2, Chu teaches the method of claim 1, wherein the one or more response-related items comprise one or more of: time estimate related to sending a response to the request; time estimate related to sending a subsequent interim message related to the request; an indication that the request has been received by the server or the process communicatively coupled thereto, and an indication that describing whether the request is well formatted; an indication of the state that the server is in; if processing the request involves multiple steps, an indication of the which steps of the multiple steps have already been performed; and if processing the request involves sending a second request to an external resource server, an indication of the status of the second request (see col. 10 lines 39-67).

As to claim 3, Chu teaches the method of claim 1, wherein the step of determining whether the interim message should be sent to the requestor comprises determining whether one or more of the following has occurred: the request has been received; the request has been successfully parsed; the server has begun processing

the request; CPU usage of the server meets certain criteria; memory usage of the server meets certain criteria; and a queue of messages awaiting response by the server meets certain criteria (see col. 10 lines 39-67 and col. 12 lines 49-col. 13 lines 26).

As to claim 4, Chu teaches the method of claim 1, wherein the step of determining whether the interim message should be sent to the requester comprises determining whether a second request has been sent to an external resource server (see col. 10 lines 39-67 and col. 12 lines 49-col. 13 lines 26).

As to claim 5, Chu teaches the method of claim 1, wherein the step of determining whether the interim message should be sent to the requestor comprises determining whether a second response to a second request has been received at the server from an external resource server (see col. 10 lines 39-67 and col. 12 lines 49-col. 13 lines 26).

As to claims 6, 11, 17, 23, Chu teaches a method, media, apparatus for dynamic timeout comprising machine-implemented steps of: sending a request to a server; receiving an interim message from the server, wherein the interim message contains one or more response-related items; and determining whether to change a timeout value based on the one or more response-related items in the interim message (see col. 10 lines 1-37);

wherein the interim message contains information regarding what the server is doing to process the client's request, during a time period in which it is not yet possible for the server to provide a more substantive response (see col. 9 lines 39-67, the server

sends the client a time interval "information" in which the server will be ready to service the refresh request again).

As to claim 7, Chu teaches the method of claim 6, wherein the one or more response-related items comprise one or more of: time estimate related to sending a response to the request; time estimate related to sending a subsequent interim message related to the request; an indication that the request has been received by the server or a process communicatively coupled thereto, and an indication describing whether the request is well formatted; an indication of the state that the server is in; if processing the request involves multiple steps, an indication of the which steps of the multiple steps have already been performed; and if processing the request involves sending a second request to an external resource server, an indication of the status of the second request (see col. 10 lines 39-67 and col. 12 lines 49-col. 13 lines 26).

As to claims 26, Chu teaches a method for dynamic timeout for an AAA server comprising machine-implemented steps of: receiving a request from a requestor at an AAA server or a process communicatively coupled thereto; determining whether an interim message should be sent to the requestor; and if the interim message should be sent to the requester, sending to the requestor the interim message referring to the request, wherein the interim message contains one or more response-related items (see col. 10 lines 1-37).

As to claims 29, Chu teaches a method for dynamic timeout comprising machine-implemented steps of: sending a request to an AAA server; receiving an interim

message from the AAA server, wherein the interim message contains one or more

response-related items; and determining whether to change a timeout value based on

the one or more response-related items in the interim message (see col. 10 lines 1-37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 9, 10, 12, 13, 16, 18, 19, 21, 22, 24, 25, 27, 28, 30 and 31 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Chu in view of Krantz et al., U.S.

Patent No. 7,284,062 (referred to hereafter as Krantz).

As to claims 1, 8, 14, 20, Chu teaches a method, media and apparatus for

dynamic timeout comprising machine-implemented steps of:

receiving a request from a requestor at a server or a process communicatively

coupled thereto (see col. 10 lines 1-16, client sends a refresh message to the server);

determining whether an interim message should be sent to the requester (see

col. 10 lines 39-67, the server determines whether a response should be sent to set the

CRP); and

if the interim message should be sent to the requestor, sending to the requestor

the interim message referring to the request, wherein the interim message contains one

or more response-related items (see col. 10 lines 39-67, server determines the CRP interval and incorporate the CRP in the response).

Chu does not explicitly teach the request is a RADIUS or EAP message.

Krantz teaches a system and method for communicating between a server and a client over a network using RADIUS and EAP messages (see col. 11 lines 59-col. 12 lines 7 and col. 14 lines 22-38).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Chu's messages by incorporating the RADISUS and EAP protocols as used in Krantz system. Motivation to do so comes from the knowledge well known in the art would make the system more accurate and more reliable by keeping accurate track of the client's usage of the network's resources.

3.   Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HUSSEIN A. EL CHANTI whose telephone number is

(571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein Elchanti

July 1, 2008

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157